

April 15, 2013

Ms. Maria Goodine (3HS62)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Response to Information Request Regarding Lower Darby Creek Area Superfund Site, Operable Unit 1- Clearview Landfill, Darby Township, Delaware County and Philadelphia, Pennsylvania

Dear Ms. Goodine:

This letter responds to USEPA's 104(e) Information Request dated February 14, 2013 directed to "University of the Sciences, College of Pharmacy" (the "104(e) Request"), which seeks information and documents relating to the Lower Darby Creek Area Superfund Site, Operable Unit 1- Clearview Landfill site (the "Site"). This response is being submitted by the University of the Sciences in Philadelphia (the "University").

Preliminary Statement

This response is given without prejudice to the University's right to supplement this response with any subsequently discovered facts, documents or interpretations thereof or to modify, change or amend this response. The information set forth in this response is true and correct to the knowledge of the University as of this date and is subject to correction for errors, mistakes or omissions. Production of any information does not waive any objection to the admission of such information into evidence. All responses are made without waiving or being estopped to challenge any allegations regarding the University's involvement at or responsibility with respect to the Site.

The University notes that the institution name ("University of Pennsylvania, Pharmaceutical College") and address (46th Street and Woodland Avenue) recited in the Interview Summary attached to the 104(e) Request were neither the name nor the address of the University during the period between 1958 and 1976, and nothing stated or unstated in this response should be deemed an agreement or admission by the University as to the accuracy or relevance of the information in the Interview Summary in any respect.

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General Objections to Requests for Information

The University makes the following general objections, which are incorporated into each and every response to the 104(e) Request: The University objects to the questions in Enclosure E to the 104(e) Request to the extent that they call for the production of any document or information protected from disclosure by the attorney-client privilege or the work-product doctrine, that was prepared in anticipation of litigation or for trial, or that is otherwise immune from discovery. The University objects to the questions to the extent they call for speculation. In addition, the University objects to the definition of the terms "you" as incorporating persons and entities over which the University has no control and for which the University is not responsible.

Responses to Questions

Question No. 1:

What was the nature of your business or activity in the Philadelphia area between 1958 and 1976? Please describe in detail. If the nature of your business or activity in the Philadelphia area changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.

Response to Question No. 1

During the period of 1958 to 1976 the University was officially named Philadelphia College of Pharmacy and Sciences. The nature of the College's business was post-secondary education in the areas of arts and sciences. The College offered Bachelors, Masters and Doctorate degrees in the arts and sciences. Faculty and students also performed research and scholarly activity.

At the beginning of the specified time period, the College facilities consisted of approximately three or four buildings. The number of buildings increased to nine by the end of the time period. These buildings were used for classrooms, administrative areas, residence halls, a cafeteria area, a gymnasium, a library, a plant operations area (including an incinerator) and laboratory areas.

The changes from the time period of 1958 through 1976 to the present day include the change of status from a college to a university, and adding additional degree programs in the areas of health sciences. Since adding these programs the University has increased the number of faculty and staff and the footprint of the campus. The University also added seven additional buildings for additional classroom, dining, recreation, residence halls, administrative areas, labs and plant operations space.

Although the University had a change in status from a college to a university and increased its campus size, programs and employees, the general nature of its business has not changed. The University of the Sciences is still a post-secondary education institution.

Question No. 2:

Identify all persons currently or formerly employed by the University who have or may have personal knowledge of its operations and waste disposal practices between 1958 and 1976. For each such person, state that person's job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.

Response to Question No. 2

Murray Zanger – Professor Emeritus of Chemistry, employed September 1964-present.

Robert Smith – Distinguished Assistant Professor of Biological Sciences, employed 1973-present.

Ara Der Marderosian – Professor of Pharmacognosy and Medicinal Chemistry in Biological Sciences, employed 1964-present.

Gil Zink – Associate Professor of Biological Sciences, employed 1975-present.

Daniel Hussar – Remington Professor of Pharmacy, Pharmacy Practice/Administration Department, employed 1966-present.

Eli Packman – Adjunct Professor-Pharmacology, employed 1951-present

Joseph Ruane – Retired- Emeritus Professor of Sociology and Health Policy, employed 1971-2012. Tel. 215-387-7998

The responses to many of the questions below are based on limited recollections concerning activities conducted as much as 55 years ago and no more recently than 37 years ago. No records requested in the 104(e) Request have been found, and none are believed to exist.

Question No. 3:

Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at the University between 1958 and 1976. With respect to each such hazardous substance, further identify:

Response to Question No. 3

It is believed that at some point between 1958 and 1976 small amounts of acids, bases, organics (e.g., ethanol, methanol), preserved animals (rats, small sharks, eels)/plants in formalin or alcohol, media, ether, sodium chloride, medications/pharmaceuticals, low risk bacteria, animals (e.g., mice, rats, dogs), and radiochemicals were or may have been used for teaching/research.

a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled at the University;

It is believed that (i) small amounts of these materials were or may have been used for teaching of students – in dissections, research, synthesis or analysis of tissues, cells and plants; (ii) limited numbers of medications/pharmaceuticals were or may have been prepared in labs for teaching/research purposes, and for training on dosages/forms that were not prepared for human use; and (iii) ether saturated paper towels were placed in an empty jar containing an animal, to anesthetize or kill the animal.

b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;

Depending on the substance and point in time, it might have been solid, liquid, or semi-solid (i.e., creams/ointments that can be safely applied to the skin).

c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled at University;

No annual quantities are available. However, it is believed that all of these substances were used only in small quantities for educational or research purposes, and were ordered on an as-needed basis. In addition, some materials (e.g., lab chemicals, containers of preserved plants/animals) were stored for extended periods of time for purposes of scientific observation/use.

d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled at the University;

No specific dates are known.

e. The types and sizes of containers in which these substances were transported and stored;

Small quantities are believed to have been stored in glass bottles and small containers, perhaps cup, pint, or gallon in size, and often used in quantities of grams. A 50 gallon container is believed to have been used at some point(s) in time to contain preserved animals in formalin, and it is believed that at some point or points in time four liter bottles of formalin or alcohol were present for use in preservation of plant/animal specimens.

f. The persons or companies that supplied each such hazardous substance to the University.

Unknown.

Question No. 4:

Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled the University between 1958 and 1976. With respect to each such by-product and waste identified, further identify:

Response to Question No. 4

Such materials may have included paper, cardboard, broken glass/glassware, plastic, food waste and small quantities of the following teaching/research-related materials: acids, bases, organics

(e.g., ethanol, methanol), preserved animals (rats, small sharks, eels)/plants in formalin or alcohol, media, ether, sodium chloride, medications/pharmaceuticals, animals, microbiologicals (i.e., bacteria for teaching), fresh plants from flower shops, ether saturated paper towel, radiochemicals and animal tissues/cells.

a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled at the University;

It is believed that processes associated with these materials included business office operations, cafeteria operations, janitorial operations, and classroom and educational laboratory operations including dissections, research, synthesis and analysis of tissues, cells and plants. It is believed that very limited numbers of medications/pharmaceuticals were prepared in labs for teaching/research purposes and for training on dosages/forms, and that ether saturated paper towels were placed in empty jars containing animals to anesthetize or kill them.

b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

Depending on the substance and point in time, it might have been solid, liquid, or semi-solid (i.e., creams/ointments that can be safely applied to the skin).

c. The annual quantity of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled at the University;

No specific quantity information is available, but it is believed that the quantities of paper, cardboard, food, and other municipal waste were typical for the small size and nature of the institution at the time, and that the quantities of wastes generated in teaching/research processes were small, and were less than the amounts of materials used, as only some of the materials that were used were not consumed during use.

d. The types, sizes and numbers of containers used to treat, store, or dispose each such by-product or waste;

In addition to typical office trash and food waste containers, it is believed that the containers would have included small (cup, pint and/or gallon) containers, four liter glass bottles, and a single 50 gallon drum (used to contain/preserve animals in formalin).

e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and

During the period between 1958 and 1976, an on-campus incinerator was used to incinerate University waste, some wastes were poured into drain piping, some wastes evaporated, and other wastes (e.g., pharmaceutical wastes) were flushed in toilets. In addition, it is believed that drug companies funding or sponsoring research and supplying research materials took back unused materials and research related wastes. No information is available concerning any specific individual or company hired to dispose or treat any wastes.

f. The location and method of treatment and/or disposal of each such by-product or waste.

See 4.e. above.

Question No. 5:

Did the University ever contract with, or make arrangement with any of the following companies: Clearview Land Development Company, the Clearview Landfill, Heller's Dump, Richard or Edward Heller, Eastern Industrial Corporation, Tri-County Hauling, Patrick Bizzari Hauling, "Charles Crumbley," Ace Service Corp./Ace Dump Truck, Edward Lawrenson, Inc., "Quickway," "Nu Way," "Bennie's Hauling," William Adams and Sons, "Al Gonnelli," Schiavo Brothers, Inc., "Maritime," Dorner Trash, Harway, Inc./Warren Harmon, Inc., Northeast Disposal, Donald Vile, Inc., Disposal Corporation of America, "White Glove Trash" or any other company or municipality to remove or transport material from University facilities in the Philadelphia, Pennsylvania area for disposal between 1958 and 1976? If so, for each transaction identified above, please identify:

Response to Question No. 5

Not to the University's knowledge.

- a. The person with whom you made such a contract or arrangement;

NA

- b. The date(s) on which or time period during which such material was removed or transported for disposal;

NA

- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);

NA

- d. The annual quantity (number of loads, gallons, drums) of such material;

NA

- e. The manner in which such material was containerized for shipment or disposal;

NA

- f. The location to which such material was transported for disposal;

NA

- g. The person(s) who selected the location to which such material was transported for disposal;

NA

h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom the University dealt concerning removal or transportation of such material; and

NA

i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.

NA

Question No. 6:

Identify individuals employed by the University who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at the University between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same person identified by your answer to Question 2, so indicate.

Response to Question No. 6

To the knowledge of the University, all former University employees who might have had knowledge of any such arrangements during this time period are deceased.

Question No. 7:

7. For every instance in which you disposed of or treated material at Clearview or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify;

NA

Response to Question No. 7

a. The date(s) on which such material was disposed of or treated at the Site;

NA

b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid or gas);

NA

c. The annual quantity (number of loads, gallons, drums) of such material;

NA

d. The specific location on the Site where such material was disposed of or treated; and

NA

e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in the University's possession regarding arrangements made to dispose of or treat such material at the Site.

NA

Question No. 8:

Did the University, or any other company or individual ever spill or cause a release of any chemical, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste at Clearview?

Response to Question No. 8

Not to the University's knowledge.

If so, identify the following:

NA

a. The date(s) the spill(s)/release occurred;

NA

b. The composition (i.e., chemical analysis) of the materials which were spilled/released;

NA

c. The response made by you or on your behalf with respect to the spill(s)/release(s);

NA

d. The packaging, transportation, final disposition of the materials which were spilled/released.

NA

Question No. 9:

Did the University or any person or entity on its behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview? If so, please provide all documents pertaining to such assessments or investigations.

Response to Question No. 9

Not to the University's knowledge.

Question No. 10:

If you have any information about other parties who may have information which may assist the EPA in its investigation of Clearview, or who may be responsible for the generation of, transportation of, or release of contamination at Clearview, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

Response to Question No. 10

The University has no such information.

Question No. 11:

Identify the person(s) answering these questions on your behalf, including full name, mailing address, business telephone number, and relationship to the company.

Response to Question No. 11

Renee Siegel, University of the Sciences, 600 South 43rd Street, Phila., PA 19104, 215-596-8925, employee.

Question No. 12:

Provide the name, title, current address, and telephone number of the individual representing University to whom future correspondence or telephone calls should be directed.

Response to Question No. 12

Seth v.d.H. Cooley
Duane Morris LLP
30 S. 17th Street
Philadelphia, PA 19103
215-979-1838

Question No. 13:

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

Response to Question No. 13

No responsive documents from the 1958-1976 time period, including documents describing any policy concerning the retention or destruction of records generated during or relating to this time period, have been located, and none are believed to exist. The University does not know whether any documents responsive to the questions in the 104(e) Request ever existed. A "Record Retention and Destruction Policy" was instituted University-wide in April 2009. Prior to this, a "Record Retention Policy" was in place beginning in October 2007, for financial records only. To the knowledge of the University, no documents relating to the time period 1958-1976 and responsive to the questions in the 104(e) Request have been destroyed pursuant to either the 2007 or 2009 Policies. The University has no information concerning any pre-October 2007 destruction of any documents relating to the 1958-1976 time period.

a. Your document retention policy;

See above.

b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;

See above.

c. A description of the type of information that would have been contained in the documents; and

See above.

d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

See above.

Thank you for your consideration and attention to the above.

Sincerely,

Rene Siegel